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**Thursday,
November 30, 2000**

Part XLVII

**Department of
Defense
General Services
Administration
National Aeronautics
and Space
Administration**

**Federal Acquisition Regulation;
Semiannual Regulatory Agenda**

**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations

being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 "Regulatory Planning and Review." This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Federal Acquisition Regulation (FAR) Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are

estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie Duarte, FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of Federal Acquisition Circulars (FACs).

Dated: August 30, 2000.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

DOD/GSA/NASA(FAR)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4342	FAR Case 97-304, Electronic Commerce in Federal Procurement	9000-AI10
4343	FAR Case 99-608, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor	9000-AI51
4344	FAR Case 99-607, Electronic and Information Technology Accessibility	9000-AI69
4345	FAR Case 2000-303, Acquisition of Commercial Items	9000-AI88
4346	FAR Case 99-023, Prompt Payment and the Recovery of Overpayment	9000-AI89
4347	FAR Case 99-616, Balance of Payments Program	9000-AI90
4348	FAR Case 2000-401, Definitions of "Applied Research" and "Development"	9000-AI91
4349	FAR Case 2000-007, Financing Policies	9000-AI92

DOD/GSA/NASA(FAR)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4350	FAR Case 2000-604, North American Industry Classification System (NAICS)	9000-AI75
4351	FAR Case 2000-302, Veterans Entrepreneurship and Small Business Development Act of 1999	9000-AI93

DOD/GSA/NASA(FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4352	FAR Case 89-093, Implementation of the Anti-Lobbying Statute	9000-AD76
4353	FAR Case 91-078, Small Business Subcontracting Reporting	9000-AG04
4354	FAR Case 94-753, Travel Costs	9000-AG27
4355	FAR Case 96-308, Implementation of Commercially Available Off-the-Shelf Item Acquisition Provisions of the Federal Acquisition Reform Act	9000-AH25
4356	FAR Case 95-013, Government Property	9000-AH60
4357	FAR Case 96-023, Clause Flowdown-Commercial Items	9000-AH69
4358	FAR Case 97-032, Relocation Costs	9000-AH96
4359	FAR Case 99-010, Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings	9000-AI40
4360	FAR Case 98-304, Commercial Items-Nongovernmental Purposes	9000-AI41

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DOD/GSA/NASA(FAR)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
4361	FAR Case 98-614, Veterans' Employment	9000-AI46
4362	FAR Case 97-613, Application of the Davis-Bacon Act to Construction Contracts with Options To Extend the Term of the Contract	9000-AI47
4363	FAR Case 98-024, Procurement Integrity Rewrite	9000-AI61
4364	FAR Case 99-022, Discussion Requirements	9000-AI68
4365	FAR Case 99-025, Cost Accounting Standards Administration	9000-AI70
4366	FAR Case 99-011, Energy Efficiency of Supplies and Services	9000-AI71
4367	FAR Case 99-303, Task Order and Delivery Order Contracts	9000-AI72
4368	FAR Case 99-016, Advance Payments for Non-Commercial Items	9000-AI74
4369	FAR Case 2000-402, Definitions for "Contract Action" and "Contracting Action"	9000-AI76
4370	FAR Case 2000-301, Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage	9000-AI79
4371	FAR Case 2000-404, Definitions for Classified Acquisitions	9000-AI81
4372	FAR Case 99-017, JWOD Subcontract Preference Under Service Contracts	9000-AI82
4373	FAR Case 2000-403, Definitions for Sealed Bid and Negotiated Procurements	9000-AI84
4374	FAR Case 99-026, Final Contract Voucher Submission	9000-AI86
4375	FAR Case 98-020, Hazardous Material Safety Data	9000-AI87

DOD/GSA/NASA(FAR)—Completed Actions

Sequence Number	Title	Regulation Identification Number
4376	FAR Case 98-605, Service Contract Act, Commercial Item Subcontracts	9000-AI36
4377	FAR Case 98-604, Ocean Transportation by U.S.-Flag Vessels	9000-AI39
4378	FAR Case 99-004, Executive Agent	9000-AI42
4379	FAR Case 98-609, Federal Supply Schedules Small Business Opportunities	9000-AI48
4380	FAR Case 98-015, Requirements Supporting Procurement of Recycled Products and Environmentally Preferable Services	9000-AI49
4381	FAR Case 99-301, Utilization of Indian Organizations and Indian-Owned Economic Enterprises	9000-AI52
4382	FAR Case 99-014, Competition Under Multiple-Award Contracts	9000-AI53
4383	FAR Case 99-008, Restrictions on Acquisitions from Yugoslavia and Afghanistan	9000-AI54
4384	FAR Case 97-306, Contract Bundling	9000-AI55
4385	FAR Case 99-302, Construction Industry Payment Protection Act of 1999	9000-AI60
4386	FAR Case 99-013, Deferred Research and Development Costs	9000-AI62
4387	FAR Case 99-003, Liquidated Damages	9000-AI63
4388	FAR Case 99-012, Small Business Competitiveness Demonstration Program	9000-AI64
4389	FAR Case 99-606, Time-and-Materials or Labor-Hours	9000-AI65
4390	FAR Case 99-610, FAR Drafting Principles	9000-AI66
4391	FAR Case 98-300, Determination of Price Reasonableness and Commerciality	9000-AI67
4392	FAR Case 2000-003, Caribbean Basic Trade Initiative	9000-AI73
4393	FAR Case 99-615, General Records Schedules	9000-AI77
4394	FAR Case 2000-004, Trade Agreements Thresholds	9000-AI78
4395	FAR Case 2000-605, Rescission of Office of Federal Procurement Policy Letters	9000-AI80
4396	FAR Case 2000-300, Truth in Negotiations Act Threshold	9000-AI83
4397	FAR Case 2000-006, Repeal of Reporting Requirements Under Public Law 85-804	9000-AI85

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**
Proposed Rule Stage
**4342. FAR CASE 97-304, ELECTRONIC
COMMERCE IN FEDERAL
PROCUREMENT**

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-85, sec 850

CFR Citation: 48 CFR 2; 48 CFR 4; 48 CFR 5; 48 CFR 12; 48 CFR 13; 48 CFR 14; 48 CFR 19; 48 CFR 22; 48 CFR 34; 48 CFR 35; 48 CFR 36

Legal Deadline: Final, Statutory, May 16, 1998.

Abstract: This rule amends the Federal Acquisition Regulation to implement section 850 of the National Defense Act for FY 1998 (Pub. L. 105-85) to eliminate the preference for electronic commerce within Federal Acquisition Computer Network. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/98	63 FR 58590
Interim Final Rule Effective	10/30/98	
Interim Final Rule Comment Period End	12/29/98	
NPRM	08/21/00	65 FR 50872
NPRM Comment Period End	10/20/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI10

**4343. FAR CASE 99-608, PROHIBITION
OF ACQUISITION OF PRODUCTS
PRODUCED BY FORCED OR
INDENTURED CHILD LABOR**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 22

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement Executive Order 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor on June 12, 1999. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/06/00	65 FR 54104
NPRM Comment Period End	11/06/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI51

**4344. FAR CASE 99-607, ELECTRONIC
AND INFORMATION TECHNOLOGY
ACCESSIBILITY**

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 39

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 508 of the Rehabilitation Act Amendments of

1998 (29 U.S.C. 794d), which requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to that by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the department or agency. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI69

**4345. • FAR CASE 2000-303,
ACQUISITION OF COMMERCIAL
ITEMS**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 12; 48 CFR 46; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation to implement two statutory changes relevant to the definition of "Commercial Items": (1) Section 803(a)(2)(D) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 to revise the definition of "commercial

FAR

Proposed Rule Stage

item” to provide specific guidance on the meaning and appropriate application of the term “purposes other than government purposes” at 41 U.S.C. 403(12)(A) and (2) section 805 of the National Defense Authorization Act for Fiscal Year 2000 to clarify the definition of “commercial item” with respect to associated services. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/28/00	65 FR 52284
NPRM Comment Period End	10/27/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI88**4346. • FAR CASE 99-023, PROMPT PAYMENT AND THE RECOVERY OF OVERPAYMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486 (c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 32; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to reflect changes made to the Office of Management and Budget prompt payment regulations; simplify and clarify the prompt payment coverage currently in the FAR; require the contractor to notify the contracting officer if the contractor becomes aware of an overpayment; and write all new and revised text using plain language in accordance with the White House

memorandum, Plain Language in Government Writing, dated June 1, 1998. This regulatory action was not subject to Office of Management and Review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/28/00	65 FR 52243
NPRM Comment Period End	10/27/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI89**4347. • FAR CASE 99-616, BALANCE OF PAYMENTS PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 13; 48 CFR 25; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove subpart 25.3, Balance of Payments Program. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/11/00	65 FR 54936
NPRM Comment Period End	11/13/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI90**4348. • FAR CASE 2000-401, DEFINITIONS OF “APPLIED RESEARCH” AND “DEVELOPMENT”****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 31; 48 CFR 35**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to move the definitions of “Applied Research” and “Development” from separate areas of the FAR into the same FAR section pertaining to definitions. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/11/00	65 FR 54940
NPRM Comment Period End	11/13/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI91

FAR

Proposed Rule Stage

4349. • FAR CASE 2000-007, FINANCING POLICIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 32; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to permit the use of performance-based payments type of financing on fixed-price contracts prior to definitization and to establish a standard time period of 30 days that contractors have to pay their vendors after the contractors have

billed the Government for incurred vendor costs. This regulatory action is not subject to Office of Management and Budget review and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/16/00	65 FR 56454
NPRM Comment Period End	11/17/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI92

**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Final Rule Stage

4350. • FAR CASE 2000-604, NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 5; 48 CFR 19; 48 CFR 23; 48 CFR 52; 48 CFR 53**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to convert size standards and other programs in the FAR based on the Standard Industrial Classification (SIC) system to the North American Industry Classification System (NAICS). This regulatory action was not subject to Office of Management and Budget review under Executive 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/00	65 FR 46055
Interim Final Rule Comment Period End	09/25/00	
Interim Final Rule Effective	10/01/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI75**4351. • FAR CASE 2000-302, VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c); PL 106-50**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 5; 48 CFR 7; 48 CFR 19; 48 CFR 52; 48 CFR 53**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement portions of the Veterans Entrepreneurship and Small Business Development Act of 1999 (Pub. L. 106-50). The Act established new assistance

programs for veterans and service-disabled veterans who own and operate small businesses. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/11/00	65 FR 60542
Interim Final Rule Effective	10/11/00	
Interim Final Rule Comment Period End	12/11/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI93

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**
Long-Term Actions
**4352. FAR CASE 89-093,
IMPLEMENTATION OF THE ANTI-
LOBBYING STATUTE**

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-121, sec 319

CFR Citation: 48 CFR 3; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 319 of Public Law 101-121, which added a new section 1352 to title 31 U.S.C. entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of \$100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of \$150,000, must disclose lobbying with other than appropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AD76

**4353. FAR CASE 91-078, SMALL
BUSINESS SUBCONTRACTING
REPORTING**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 53.219

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend FAR 53.219 to authorize the addition of a column to the Standard Form 295, Summary Subcontract Report, to report the number of subcontracts awarded to small business concerns, small disadvantaged business concerns, and women-owned small business enterprises. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/26/94	59 FR 49037
NPRM Comment Period End	11/25/94	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AG04

**4354. FAR CASE 94-753, TRAVEL
COSTS**

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-355

CFR Citation: 48 CFR 31.205-46

Legal Deadline: Final, Statutory, October 1, 1995, The Federal Acquisition Streamlining Act eliminated the statutory requirement to the travel cost principle concerning the Federal Travel Regulations. No regulatory implementation was required.

Abstract: This rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994, Public Law 103-355 (the Act). The Federal Acquisition Regulatory Council is considering amending the Federal Acquisition Regulation (FAR) as a result of changes to 41 U.S.C. 22 by section 2191 of the Act. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

Timetable:

Action	Date	FR Cite
NPRM	12/14/94	59 FR 64542
NPRM Comment Period End	02/13/95	
NPRM	05/20/99	64 FR 27654
NPRM Comment Period End	07/19/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AG27

FAR

Long-Term Actions

4355. FAR CASE 96-308, IMPLEMENTATION OF COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM ACQUISITION PROVISIONS OF THE FEDERAL ACQUISITION REFORM ACT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 104-106, sec 4203

CFR Citation: 48 CFR 2.101; 48 CFR 52.212-4; 48 CFR 52.212-00; 48 CFR 3.104-10(c); 48 CFR 3.503; 48 CFR 12.301; 48 CFR 12.7; 48 CFR 15.106-1; 48 CFR 19.508; 48 CFR 25.605; 48 CFR 27.409

Legal Deadline: NPRM, Statutory, September 7, 1996, The Federal Acquisition Streamlining Act eliminated the statutory requirement to the travel cost principle concerning the Federal Travel Regulations. No regulatory implementation was required.

Abstract: The Federal Acquisition Regulatory Council solicited comments regarding the implementation of section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106)(the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. The Act requires the FAR to list provisions of law that are inapplicable to contracts for the acquisition of commercially available off-the-shelf items. Certain laws have already been determined to be inapplicable to all commercial items as a result of the implementation of the Federal Acquisition Streamlining Act of 1994 (see FAR 12.503).

Timetable:

Action	Date	FR Cite
ANPRM	05/13/96	61 FR 22010
ANPRM Comment Period End	06/28/96	
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH25

4356. FAR CASE 95-013, GOVERNMENT PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: The rule amends the Federal Acquisition Regulation (FAR) to simplify procedures and eliminate requirements related to the management and disposition of Government property in the possession of contractors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	06/02/97	62 FR 30186
NPRM Comment Period End	08/15/97	
NPRM	01/10/00	65 FR 1438
NPRM Comment Period End	03/10/00	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AH60

4357. FAR CASE 96-023, CLAUSE FLOWDOWN-COMMERCIAL ITEMS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52.244-6

Legal Deadline: None

Abstract: This rule proposes amendments to the clause at FAR 52.244-6, Subcontracts for Commercial Items and Commercial Comments, to clarify that contractors are required to include, in subcontracts at any tier for commercial items or commercial components, the FAR clauses and provisions listed in the clause at FAR 52.244-6 and such other clauses and provisions as may be required by addenda, to the extent they are applicable or necessary to establish the reasonableness of prices under FAR part 15. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/23/97	62 FR 49903
NPRM Comment Period End	11/24/97	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH69

4358. FAR CASE 97-032, RELOCATION COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove

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the ceilings imposed on certain types of relocation costs; to permit reimbursement of relocation costs on an appropriate lump-sum basis; and to make allowable payments for spouse employment assistance and payments for increase employee income and social security taxes incident to allowable reimbursed relocation. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and this is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/25/99	64 FR 28330
NPRM Comment Period End	07/26/99	64 FR 28330
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH96

4359. FAR CASE 99-010, CONTRACTOR RESPONSIBILITY, LABOR RELATIONS COSTS, AND COSTS RELATING TO LEGAL AND OTHER PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9.104-1; 48 CFR 14.404-2; 48 CFR 15.503; 48 CFR 31.205-21; 48 CFR 31.205-47; 48 CFR 52.209-5; 48 CFR 52.212-3

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify coverage and give examples of suitable contractor responsibility considerations. The rule also makes unallowable the costs of attempting to influence employee decisions regarding unionization. In addition, the rule

makes unallowable those legal expenses related to defense of judicial or administrative proceedings brought by the Federal Government when a contractor is found to have violated a law or regulation, or the proceeding is settled by consent or compromise, except to the extent specifically provided as part of the settlement agreement. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37360
NPRM Comment Period End	11/08/99	
NPRM	06/30/00	65 FR 40830
NPRM Comment Period End	08/29/00	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI40

4360. FAR CASE 98-304, COMMERCIAL ITEMS-NONGOVERNMENTAL PURPOSES

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-261

CFR Citation: 48 CFR 2; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 803(a)(2)(D) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 by revising the definition of "commercial item" to provide specific guidance on the meaning and appropriate application of the term "purposes other than Government

purposes" at 41 U.S.C. 403(12)(A). This rule was not subject to Office of Management and Budget review under section 6(b) of Executive Order 12866 "Regulatory Planning and Review," dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40694
NPRM Comment Period End	09/27/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI41

4361. FAR CASE 98-614, VETERANS' EMPLOYMENT

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 12; 48 CFR 13; 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement sections 7 and 8 of the Veterans Employment Opportunities Act of 1998 (Pub. L. 105-339). Section 7 expands and improves veterans' employment emphasis under Federal contracts. Section 8 amends the veterans' employment reporting requirements. This rule also implements the Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP) final rule amending 41 CFR part 60-250, Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Veterans of the Vietnam Era, which clarifies DOL implementation of the

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affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/03/99	64 FR 67992
NPRM Comment Period End	02/01/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI46

4362. FAR CASE 97-613, APPLICATION OF THE DAVIS-BACON ACT TO CONSTRUCTION CONTRACTS WITH OPTIONS TO EXTEND THE TERM OF THE CONTRACT

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the requirement of Department of Labor (DOL) All Agency Memorandum No. 157 (AAM 157), as clarified in the Federal Register on November 20, 1998. The rule requires incorporation of the current Davis-Bacon Act wage determination at the exercise of each option period in construction contracts. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated

September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/03/99	64 FR 67986
NPRM Comment Period End	02/01/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI47

4363. FAR CASE 98-024, PROCUREMENT INTEGRITY REWRITE

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 3; 48 CFR 4; 48 CFR 9; 48 CFR 15; 48 CFR 52; ...

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to rewrite in plain language and clarify guidance regarding procurement integrity in A-76 procurements. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	03/29/00	65 FR 16758
NPRM Comment Period End	05/30/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI61

4364. FAR CASE 99-022, DISCUSSION REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify the scope of discussions in competitive negotiated acquisitions. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/03/00	65 FR 17582
NPRM Comment Period End	06/02/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI68

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4365. • FAR CASE 99-025, COST ACCOUNTING STANDARDS ADMINISTRATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 30; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to delineate the process for determining and resolving the cost impact on contracts and subcontracts when a contractor makes a compliant change to a cost accounting practice or follows a noncompliant practice. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993 and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/18/00	65 FR 20854
NPRM Comment	06/19/00	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI70**4366. • FAR CASE 99-011, ENERGY EFFICIENCY OF SUPPLIES AND SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 11; 48 CFR 15; 48 CFR 23; 48 CFR 42**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.)

13123 of June 3, 1999, Greening the Government through Efficient Energy Management. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/10/00	65 FR 30310
NPRM Comment	07/10/00	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI71**4367. • FAR CASE 99-303, TASK ORDER AND DELIVERY ORDER CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 16**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement portions of section 804 of the National Defense Authorization Act for FY 2000, Public Law 106-65. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI72**4368. • FAR CASE 99-016, ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 32; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to permit federally insured credit unions to participate in the maintenance of special accounts for advance payments. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/02/00	65 FR 25614
NPRM Comment	07/03/00	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI74

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4369. • FAR CASE 2000-402, DEFINITIONS FOR "CONTRACT ACTION" AND "CONTRACTING ACTION"**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 1; 48 CFR 5; 48 CFR 8; 48 CFR 17; 48 CFR 19; 48 CFR 32; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide for consistent use of the term "contract action." This case is one of a series of cases that implement the White House memorandum, Plain Language in Government Writing, dated June 1, 1999. This regulatory action was not subject to review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/31/00	65 FR 34894
NPRM Comment Period End	07/31/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI76**4370. • FAR CASE 2000-301, APPLICABILITY, THRESHOLDS AND WAIVER OF COST ACCOUNTING STANDARDS COVERAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 1473(c)**CFR Citation:** 48 CFR 30; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 802 of the National Defense Authorization Act for Fiscal Year 2000 and the Cost Accounting Standards (CAS Board's interim rule, Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage. This regulatory action was not subject to Office of Management and review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/00	65 FR 36028
Interim Final Rule Effective	06/06/00	
Interim Final Rule Comment Period End	08/07/00	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI79**4371. • FAR CASE 2000-404, DEFINITIONS FOR CLASSIFIED ACQUISITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 14; 48 CFR 32**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide consistent definitions for classified acquisitions. This case is one of a series of cases in response to the White House memorandum, Plain Language in Government Writing, dated June 1, 1999. This regulatory action was not subject to Office of Management and Budget review under

Executive Order 12866 and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/28/00	65 FR 46558
NPRM Comment Period End	09/26/00	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI81**4372. • FAR CASE 99-017, JWOD SUBCONTRACT PREFERENCE UNDER SERVICE CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 8; 48 CFR 44; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement changes relating to preferences for award of subcontracts under service contracts to nonprofit workshops designated by the Committee for Purchase From People Who Are Blind or Severely Disabled (Javits-Wagner-O'Day (JWOD) (41 U.S.C. 48)). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866 and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/03/00	65 FR 41266
NPRM Comment Period End	09/01/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** Yes

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Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI82

4373. • FAR CASE 2000-403, DEFINITIONS FOR SEALED BID AND NEGOTIATED PROCUREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 3; 48 CFR 14; 48 CFR 15; 48 CFR 28; 48 CFR 35; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide consistent definitions for sealed bids and negotiated procurements. This case is one of a series of cases in response to the White House memorandum, Plain Language in Government Writing, dated June 1, 1999. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/11/00	65 FR 42852
NPRM Comment Period End	09/11/00	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI84

4374. • FAR CASE 99-026, FINAL CONTRACT VOUCHER SUBMISSION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to explicitly state the right of the contracting officer to unilaterally determine the final contract payment amount when the contractor does not submit the final invoice or voucher within the time specified in the contract. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/27/00	65 FR 46332
NPRM Comment Period End	09/25/00	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI86

4375. • FAR CASE 98-020, HAZARDOUS MATERIAL SAFETY DATA

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 23; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the language that provides policies and procedures for contractor submission of Material Safety Data Sheets (MSDSs). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI87

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**
Completed Actions
**4376. FAR CASE 98-605, SERVICE
CONTRACT ACT, COMMERCIAL ITEM
SUBCONTRACTS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 12.504(a)(10)

Completed:

Reason	Date	FR Cite
Final Action	07/26/00	65 FR 46068
Final Action Effective	08/25/00	65 FR 46068

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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RIN: 9000-AI36

**4377. FAR CASE 98-604, OCEAN
TRANSPORTATION BY U.S.-FLAG
VESSELS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 47.504; 48 CFR
52.212-5; 48 CFR 52.213-4; 48 CFR
52.247-64

Completed:

Reason	Date	FR Cite
Final Action	04/25/00	65 FR 24324
Final Action Effective	06/26/00	65 FR 24324

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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RIN: 9000-AI39

**4378. FAR CASE 99-004, EXECUTIVE
AGENT**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 17.500

Completed:

Reason	Date	FR Cite
Withdrawn	05/23/00	65 FR 33248

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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RIN: 9000-AI42

**4379. FAR CASE 98-609, FEDERAL
SUPPLY SCHEDULES SMALL
BUSINESS OPPORTUNITIES**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 8; 48 CFR 38

Completed:

Reason	Date	FR Cite
Final Action	06/06/00	65 FR 36023
Final Action Effective	08/07/00	65 FR 36023

**Regulatory Flexibility Analysis
Required:** Yes

Government Levels Affected: Federal

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RIN: 9000-AI48

**4380. FAR CASE 98-015,
REQUIREMENTS SUPPORTING
PROCUREMENT OF RECYCLED
PRODUCTS AND ENVIRONMENTALLY
PREFERABLE SERVICES**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 4; 48
CFR 7; 48 CFR 11; 48 CFR 13; ...

Completed:

Reason	Date	FR Cite
Final Action	06/06/00	65 FR 36016
Final Action Effective	08/07/00	65 FR 36016

**Regulatory Flexibility Analysis
Required:** Yes

Government Levels Affected: Federal

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RIN: 9000-AI49

**4381. FAR CASE 99-301, UTILIZATION
OF INDIAN ORGANIZATIONS AND
INDIAN-OWNED ECONOMIC
ENTERPRISES**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 26; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	04/25/00	65 FR 24322
Final Action Effective	06/26/00	65 FR 24322

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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RIN: 9000-AI52

**4382. FAR CASE 99-014,
COMPETITION UNDER MULTIPLE-
AWARD CONTRACTS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 16;
48 CFR 37

Completed:

Reason	Date	FR Cite
Final Action	04/25/00	65 FR 24317
Final Action Effective	04/25/00	65 FR 24317

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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RIN: 9000-AI53

**4383. FAR CASE 99-008,
RESTRICTIONS ON ACQUISITIONS
FROM YUGOSLAVIA AND
AFGHANISTAN**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 25; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	06/06/00	65 FR 36027
Final Action Effective	07/06/00	65 FR 36027

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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RIN: 9000-AI54

FAR

Completed Actions

4384. FAR CASE 97-306, CONTRACT BUNDLING**Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 5; 48 CFR 7; 48 CFR 10; 48 CFR 15; 48 CFR 19; ...**Completed:**

Reason	Date	FR Cite
Final Action	07/26/00	65 FR 46053
Final Action Effective	07/26/00	

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI55**4385. FAR CASE 99-302, CONSTRUCTION INDUSTRY PAYMENT PROTECTION ACT OF 1999****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 28; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	07/26/00	65 FR 46069
Final Action Effective	07/26/00	65 FR 46069

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI60**4386. FAR CASE 99-013, DEFERRED RESEARCH AND DEVELOPMENT COSTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31**Completed:**

Reason	Date	FR Cite
Final Action	07/26/00	65 FR 46071
Final Action Effective	09/25/00	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI62**4387. FAR CASE 99-003, LIQUIDATED DAMAGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 11; 48 CFR 22; 48 CFR 36; 48 CFR 49; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	07/26/00	65 FR 46064
Final Action Effective	09/25/00	65 FR 46064

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI63**4388. FAR CASE 99-012, SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 19**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	05/26/00	
Final Action	07/26/00	65 FR 46069
Final Action Effective	07/26/00	65 FR 46069

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI64**4389. FAR CASE 99-606, TIME-AND-MATERIALS OR LABOR-HOURS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	07/26/00	65 FR 46072
Final Action Effective	09/25/00	65 FR 46072

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI65**4390. FAR CASE 99-610, FAR DRAFTING PRINCIPLES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	06/06/00	65 FR 36015
Final Action Effective	08/07/00	65 FR 36015

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI66**4391. FAR CASE 98-300, DETERMINATION OF PRICE REASONABLENESS AND COMMERCIALITY****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 15**Completed:**

Reason	Date	FR Cite
Final Action	04/25/00	65 FR 24320
Final Action Effective	04/25/00	65 FR 24320

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI67**4392. • FAR CASE 2000-003, CARIBBEAN BASIC TRADE INITIATIVE****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 25; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement the determination of the United States Trade Representative (USTR) to renew the treatment of Caribbean Basin country end products as eligible products under the Trade

FAR

Completed Actions

Agreements Act, with the exception of end products from the Dominican Republic and Honduras. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	04/25/00	65 FR 24321
Final Action Effective	04/25/00	65 FR 24321

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI73

4393. • FAR CASE 99-615, GENERAL RECORDS SCHEDULES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the revised National Archives and Records Administration General Records Schedule 3, Procurement, Supply, and Grants Records (NARA Schedule 3), dated December 15, 1998. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	06/06/00	65 FR 36021
Final Action Effective	08/07/00	65 FR 36021

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI77

4394. • FAR CASE 2000-004, TRADE AGREEMENTS THRESHOLDS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement new dollar thresholds for application of the Trade Agreements Act (TAA) and North American Free Trade Agreement (NAFTA), as published by the U.S. Trade Representative in the Federal Register at 65 FR 17322, March 31, 2000. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	06/06/00	65 FR 36025
Final Action Effective	06/06/00	65 FR 36025

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI78

4395. • FAR CASE 2000-605, RESCISSION OF OFFICE OF FEDERAL PROCUREMENT POLICY LETTERS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 9; 48 CFR 15; 48 CFR 22; 48 CFR 35; 48 CFR 37; 48 CFR 42

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to make editorial amendments that remove unnecessary cross-references to policy letters that were rescinded by the Office of Federal Procurement Policy (OFPP). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	06/06/00	65 FR 36014
Final Action Effective	06/06/00	65 FR 36014

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI80

4396. • FAR CASE 2000-300, TRUTH IN NEGOTIATIONS ACT THRESHOLD

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the requirements of 10 U.S.C. 2306a(a)(7) and 41 U.S.C. 254b(a)(7). These statutes require review of the Truth in Negotiations Act

FAR

Completed Actions

threshold every 5 years, starting October 1, 1995. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/03/00	65 FR 41267
NPRM Comment Period End	09/01/00	
Final Action	10/11/00	65 FR 60553
Final Action Effective	10/11/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI83

4397. • FAR CASE 2000-006, REPEAL OF REPORTING REQUIREMENTS UNDER PUBLIC LAW 85-804

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 50

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement paragraph 901(r)(1) of the Federal Reports Elimination Act of 1998 (Pub. L. 105-362) that repealed section 4 of Public Law 85-804 (50 U.S.C. 1434). Section 4 required each department and agency to report annually to Congress any contract action in excess of \$50,000 issued under the authority of this law. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866,

dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	07/26/00	65 FR 46073
Final Action Effective	09/25/00	65 FR 46073

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI85

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